THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.27875 of 1997

Dated:28.2.2007

Between
Pochaiah

.....Petitioner

and

1. APSEB rep., by its Member Secretary Vidyut Soudha, Hyderabad and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.27875 of 1997

ORDER:

This writ petition is filed challenging BP (P & G) Per) No.217, dated 18.01.1997 issued by the 1st respondent and the consequential Memo No. CEN/DM/PO/Adm.F/D.No.3134/1997,dated 13.9.1997 issued by the 2nd respondent.

Under the impugned B.P.M.S., the 1st respondent-Board cancelled certain exemptions granted earlier to LDCs/Typists/UDCs from passing tests for promotion to the higher category under B.P.Ms.No.664, dated 5.8.1981. It seems, B.P.Ms.No.217 was issued in view of the fact that *enmass* exemptions were granted under Regulation 41 of the A.P.S.E. Board Service

Regulations, which was the subject matter of Writ Appeal No.658 of 1981 and batch. While disposing of the said appeals, a Division Bench of this Court held that general exemptions granted *vide* B.P.Ms.No.664, dated 5.8.1981 is bad. However, it was made clear that the said decision will not preclude the Board from exercising the powers under Regulation 41 in individual cases. Therefore, according to the petitioner, it cannot be said that the exemption granted in his favour while exercising the powers under Regulation 41 is general or without considering his case properly. Further, it may be necessary to notice that while admitting the Writ Petition, this Court directed the parties to maintain status quo as on 21.10.1997. The said order is still continuing.

During the pendency of the Writ Petition, the petitioner attained the age of superannuation and retired from service. Therefore, while making the interim order of

status quo granted on 27.10.1997 absolute, the writ petition is disposed of. No order as to costs.

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28-02-2007

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